

United States Court of Appeals For the First Circuit

No. 22-1150

IN RE: THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE COMMONWEALTH OF PUERTO RICO; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO SALES TAX FINANCING CORPORATION, a/k/a Cofina; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO ELECTRIC POWER AUTHORITY (PREPA); THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE OF THE PUERTO RICO PUBLIC BUILDINGS AUTHORITY,

Debtors,

JAIME A. DIAZ O'NEILL,

Claimant - Appellant,

v.

THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE COMMONWEALTH OF PUERTO RICO; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO SALES TAX FINANCING CORPORATION, a/k/a Cofina; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE FOR THE PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY; THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, AS REPRESENTATIVE OF THE PUERTO RICO PUBLIC BUILDINGS AUTHORITY,

Debtors - Appellees.

Before

Howard, Lynch and Thompson,
Circuit Judges.

JUDGMENT

Entered: May 23, 2022

Pro se appellant Jaime Diaz O'Neill has filed a motion pursuant to Fed. R. App. P. 24(a)(5) to proceed in forma pauperis in this appeal for which the district court has denied permission to proceed IFP on the ground that the appeal is not taken in good faith. We agree with the district court's determination. Because appellant has failed to preserve any non-frivolous argument for appeal, we deny his motion. Cf. 16AA C.A. Wright, et al., Federal Practice and Procedure § 3970.1 at 140, 143 (4th ed. 2008) ("If at least one of the arguments that the petitioner seeks to make on appeal is not frivolous, then the appeal is 'taken in good faith' for purposes of 28 U.S.C.A. § 1915(a)(3)[.]").

Appellant's motion pursuant to Fed. R. App. P. 24(a)(5) is denied and the judgment of the district court is summarily affirmed. See 1st Cir. L.R. 27.0(c). The motion to transfer Appeal Nos. 19-1167, 20-1299, and 22-1150 to the Court of Appeals for the Fourth Circuit is denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

Wandymar Burgos-Vargas, Hermann D. Bauer-Alvarez, Timothy W. Mungovan, Donald B. Verrilli Jr., Susana I. Penagaricano Brown, Carla Garcia-Benitez, Ubaldo M. Fernandez, Michael R. Hackett, Stephen L. Ratner, Margaret Antinori Dale, Ricardo Burgos-Vargas, John E. Roberts, Mark David Harris, Martin J. Bienenstock, Ehud Barak, Laura E. Stafford, Michael Luskin, Stephan E. Hornung, Chad Golder, Julia D. Alonzo, Michael A. Firestein, Paul V. Possinger, Lary Alan Rappaport, Steven O. Weise, Maja Zerjal, Ginger D. Anders, William D. Dalsen, Adele M. El-Khouri, Jeffrey W. Levitan, Kevin J. Perra, Jennifer L. Roche, Brian S. Rosen, Rachel G. Miller Ziegler, Guy Brenner, Gabriel A Miranda-Rivera, Juan Carlos Ramirez-Ortiz, Luis Francisco Del-Valle-Emmanuelli, Chantel L. Febus, Ralph C. Ferrara, Ann M. Ashton, Arturo Diaz-Angueira, Joseph P. Davis III, Katuska Bolanos-Lugo, Maria Jennifer DiConza, Mariana Muniz-Lara, Nelson Robles Diaz, Monsita Lecaroz-Arribas, Sergio A. Ramirez-de-Arellano, Raul Castellanos-Malave, Jaime A. Diaz-O'Neill